

DECLARATION OF JEFFREY MARTIN

The undersigned, Jeffrey Martin, declares as follows:

1. I have been asked by counsel for defendants Rangel-Rubio to review the construction and implementation of the Master Jury Wheel that was used to select Grand Jurors in this case and will be used to select Trial Jurors in this case.
2. I previously supplied a declaration dated March 17th, 2021 and a supplemental declaration on March 30th, 2021.
3. The previous declarations have shown pervasive under-representation of Black or African-American persons and Hispanic or Latino persons in the summoning of grand jurors.
4. The under-representation of Black or African-American persons and Hispanic or Latino persons was present in all phases of the process of summoning grand jurors in the Southern District of Georgia.
5. The under-representation of Black or African-American persons and Hispanic or Latino persons was present in the Qualified Jury Wheel for each of the six jury divisions, the Qualified Jury Wheel for the district-wide pro-rated grand jury, the group of 80 persons summoned to potentially become grand jurors in this case, and the 23 Grand Jurors in this case.
6. The under-representation of Black or African-American persons and Hispanic or Latino persons in the Qualified Jury Wheel for each of the six jury divisions is statistically significant.
7. The under-representation of Black or African-American persons and Hispanic or Latino persons in the district-wide pro-rated Qualified Jury Wheel is statistically significant.
8. Without access to jury data in my office, I was unable to fully analyze the systematic factors of this under-representation.
9. I was provided access to the jury data including AO-12's and data files in my office on April 22nd, 2021.
10. Access to the jury data files in my office has allowed me to verify the statistics of the under-representation of Black and African-American persons and Hispanic or Latino persons I had previously calculated using hand counts.
11. Access to the jury data files in my office has allowed me to analyze the data for systematic factors of under-representation of Black or African-American persons and Hispanic or Latino persons as described below.
12. For instance, access to the jury data files in my office allowed me to match the Master Jury Wheel data file with the status codes in the Qualified Jury Wheel data file and the list of non-responses to understand the demographics of each part of the summoning of grand jurors.

SYSTEMATIC FACTORS OF UNDER-REPRESENTATION FOR BLACK OR AFRICAN-AMERICAN PERSONS

13. There are several sources for the under-representation of Black or African-American persons and Hispanic or Latino persons in the district-wide pro-rated Qualified Jury Wheel used to select Grand Jurors in this case.
14. The analysis below follows the process of creating the district-wide pro-rated Qualified Jury Wheel from the voter registration list to the summoning of persons for the grand jury in this case to quantify the systematic factors.
15. The choice of using the voter registration list as the sole source of jurors in the Southern District of Georgia increases the under-representation of Black or African-American persons by 0.37%.
16. The under-representation of Black or African-American persons because of the choice of the voter registration list as the sole source of jurors is not distributed evenly among the six jury divisions.
17. The choice of using the voter registration list as the sole source of jurors in the Dublin Division of the Southern District of Georgia increases the under-representation of Black or African-American persons by 4.26% in that division.
18. While I do not have the actual voter registration list used to create the Master Jury Wheel, I have assumed that the selection of persons from the voter registration list is a purely random selection within each division. In this way, the demographics of the Master Jury Wheel should reflect the demographics of the voter registration list. If I had access to the voter registration list, I could confirm this assumption.
19. There are several reasons the choice of the voter registration list as the sole source of jurors as reflected in the Master Jury Wheels of each division would cause under-representation.
20. The Jury Service and Selection Act recognizes the list of registered voters or the list of actual voters as the required base source of jurors. The base source of jurors can be supplemented with other lists. The most common supplemental list is the list of drivers' licenses and personal identification cards.
21. The sole source of jurors in the Southern District of Georgia is the list of registered voters. The list of drivers' licenses and personal identification cards is not used.
22. Superior Courts in Georgia have used both the voter registration lists and drivers' licenses and personal identification card lists since the enactment of the Jury Composition Reform Act of 2011.
23. One reason given for supplementation of the voter registration lists is to improve the representation of groups.
24. In Georgia, the list of registered voters includes voters designated active and inactive. Inactive voters in Georgia are registered voters and can vote. They have been noted as inactive in order to potentially be purged in the future. Note that active voters are different from the group of actual voters referenced in the Jury Service and Selection Act.

25. I have not been supplied the source list, the voter registration list, used to construct the Master Jury Wheels in the Southern District of Georgia. It is my experience that the demographics of inactive voters differ from active voters. It is also my experience that in some other districts inactive voters have been excluded from the source list. If inactive voters are excluded in the Southern District of Georgia, this can be the source of under-representation of Black and African-American and Hispanic or Latino persons as well as a violation of the Jury Service and Selection Act requirements.
26. Once the Master Jury Wheel has been created, randomly selected persons are sent a qualification form to determine if they are eligible for jury service. These qualification forms are either returned as undeliverable by the postal service, a response is not received by the Court, or a response is received.
27. The group of persons selected to receive a qualification questionnaire decreases the under-representation of Black or African-American persons by 1.50%. If the selection of persons to receive a qualification questionnaire was random, it would not be expected to increase the representation of any group. However, the Jury Plan for the Southern District of Georgia allows for the sending of replacement qualification questionnaires for those which are either returned as undeliverable or for which a response is not received by the Court.
28. Qualification forms that are undeliverable by the post office increases the under-representation of Black or African-American persons by 1.03%.
29. Qualification forms for which a response is not received by the Court increases the under-representation of Black or African-American persons by 4.81%. It is not known whether these qualification questionnaires were successfully delivered and received or not.
30. There are many categories that the United States Postal Service tracks for undeliverable mail. These categories include Change of Address, Box Closed - No Order, Moved left no Address, Temporary COA, Attempted not Known, In Dispute, Insufficient Address, Illegible, No Mail Receptacle, No such Number, Deceased, Not Deliverable as Addressed/Unable to Forward/Forwarding order expired, Refused, No such Street, Unclaimed, and Vacant.
31. The latest statistics published by the United States Postal Service titled "Undeliverable-as-Addressed (UAA) Statistics by Mailing Industry Quarterly Report (Q1 FY21)" shows that for governmental mail, Temporary COA (4.49%), In Dispute (0.06%), Insufficient Address (4.37%), Illegible (0.06%), No Mail Receptacle (3.71%), No such Number (2.60%), Refused (0.87%), No such Street (0.84%), and Unclaimed (2.63%) alone add up to 19.62% of undeliverable mail. These categories do not necessarily reflect the eligibility of persons to serve on a jury or whether an address is proper.
32. It is my experience that apartment dwellers whose apartment number is not included, misprinted, or misformatted sometimes do not receive their mail.

33. For these reasons, it is difficult to determine which qualification forms were received by the intended person. If the qualification form is not received then there will be no response.
34. From the returned qualification forms, some persons are disqualified for statutory reasons. The qualification process increases the under-representation of Black or African-American persons by 0.45%.
35. From the returned qualification forms, some persons are exempted from jury service. Exemptions decrease the under-representation of Black or African-American persons by 0.02%.
36. The incorrect pro-ration of the district-wide grand jury increases the under-representation of Black or African-American persons by 0.04%.

SYSTEMATIC FACTORS OF UNDER-REPRESENTATION FOR HISPANIC OR LATINO PERSONS

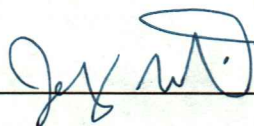
37. The choice of using the voter registration list as the sole source of jurors in the Southern District of Georgia increases the under-representation of Hispanic or Latino persons by 0.08%.
38. The under-representation of Hispanic or Latino persons because of the choice of the voter registration list as the sole source of jurors is not distributed evenly among the six jury divisions.
39. The choice of using the voter registration list as the sole source of jurors in the Dublin Division of the Southern District of Georgia increases the under-representation of Hispanic or Latino persons by 2.09% in that division.
40. The group of persons selected to receive a qualification questionnaire decreases the under-representation of Hispanic or Latino persons by 0.34%.
41. Qualification forms that are undeliverable by the post office increases the under-representation of Hispanic or Latino persons by 0.53%.
42. Qualification forms for which a response is not received by the Court increases the under-representation of Hispanic or Latino persons by 0.42%.
43. From the returned qualification forms, some persons are disqualified for statutory reasons. The qualification process increases the under-representation of Hispanic or Latino persons by 0.18%.
44. From the returned qualification forms, some persons are exempted from jury service. Exemptions decrease the under-representation of Hispanic or Latino persons by 0.02%.
45. The incorrect pro-ration of the district-wide grand jury increases the under-representation of Hispanic or Latino persons by 0.04%.

RATES OF PARTICIPATION FOR BLACK OR AFRICAN-AMERICAN PERSONS AND HISPANIC OR LATINO PERSONS

46. The end result of all of the systematic factors of under-representation is a participation rate for Black or African-American jury eligible persons and Hispanic or Latino jury eligible persons.
47. Black or African-American persons participate in the Qualified Jury Wheel at a rate less than White persons.
48. Black or African-American persons participate in the Qualified Jury Wheel at only 85.98% of the rate of White persons in the Augusta Division, 80.44% in the Brunswick Division, 67.12% in the Dublin Division, 78.96% in the Savannah Division, 72.40% in the Waycross Division, and 71.51% in the Statesboro Division.
49. Hispanic or Latino persons participate in the Qualified Jury Wheel at a rate less than White persons.
50. Hispanic or Latino persons participate in the Qualified Jury Wheel at only 65.26% of the rate of White persons in the Augusta Division, 54.23% in the Brunswick Division, 47.85% in the Dublin Division, 67.34% in the Savannah Division, 53.77% in the Waycross Division, and 47.71% in the Statesboro Division.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated this 29th day of April 2021, 2021



Jeffrey Martin